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No. 06 – 1450

FILED
OCT 23 2007
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SUPREME COURT, U.S.

In The

Supreme Court of the United States

ATANACIO G. SAMBRANO
and CATHLEEN R. SAMBRANO,
Petitioners

v.

HERITAGE TRAILS HOMEOWNERS ASSOCIATION,
An Illinois not-for-profit corporation,
Respondent

On Petition For A Writ Of Certiorari
To The Appellate Court of Illinois
Second Judicial District

PETITION FOR REHEARING FROM DENIAL OF PETITION FOR A WRIT OF CERTIORARI

ATANACIO G. SAMBRANO, PE
CATHLEEN R. SAMBRANO, RN
(Pro se)
532 MADISON LANE
LINDENHURST, ILLINOIS 60046
TEL.NO: (847) 265-6992

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PETITION FOR REHEARING FROM DENIAL OF PETITION FOR A WRIT OF CERTIORARI

This case involves primordial multiple conflicts of lower court orders on similar facts and same issues. Petitioners will address these conflicts on substantial grounds et seq, in this Petition for Rehearing of the October 1, 2007 Order of this Court denying their Petition for a Writ of Certiorari.

Conflict #1

There is unsettling conflict between the order entered by the Court of Special Appeals of Maryland in the case of Brian Campbell ET UX v. Lake Hallowell Homeowners Association (Case #1197) and the order issued by the Illinois Appellate Court Second Judicial District in the case between the Petitioners and Respondent (Case #2-05-1102). The Maryland Appellate Court **denied** the award of attorney's fees under a resolution that was improperly passed by the Board of Directors of the Homeowner's Association. The Illinois Appellate Court **granted** the award of attorney's fees under a resolution that was improperly passed by the Respondent's Board of Directors. The December 13, 2000 resolution of the Respondent's Board was an amendment in violation of the amendatory provisions of the Respondent's Declaration of Covenants, Conditions and Restrictions.

Resolution of this **conflict** by certiorari is of considerable importance for a division of legal authority or split of authority on a significant question of law involving same facts and same issues would set the

momentum for double standard, selective justice and judicial lottery in the lower courts. Without a precedent, which this Court has a constitutional duty to establish as a standard in black and white, nothing can stop homeowner associations everywhere from passing one-sided midnight resolutions obligating a complaining pro se homeowner to pay all cost of litigation win or lose. Without a precedent, nothing can likewise stop the lower courts from opting between the Maryland and Illinois Appellate rulings in deciding cases of similar nature.

Dispensation of equal justice is the biggest issue confronting any court in every jurisdiction. Double standard, selective justice and judicial lottery borne out of conflicting judgments are the greatest judicial tragedies pro se petitioners face in their struggle for equal justice under the law. A wrong cannot be cured by another wrong. Denial of Writ of Certiorari is a stalemate that did not redress the unjust consequences inherent in conflicting orders of the lower courts. Denial of the Writ won't correct the injustice done to the pro se Petitioners in a proceeding that is a respecter of persons. While the Maryland court looked at the issues, the Illinois court looked at the size of the persons.

A grant of the Writ will be in keeping with equal justice under the law. This isolated injustice done to the Petitioners may not be worthy to deserve discussion in this high court in ways to deny the Writ of Certiorari. But the far-reaching implications of double-standard, selective justice and judicial lottery ensuing out of inconsistent orders of the Appellate Courts are undoubtedly substantial grounds to grant the Writ of Certiorari. Such a grant to resolve the gridlock is in

the highest public interest as it would establish a rule for future conduct and a nationally uniform understanding. Conversely, a denial does more harm than good for failing to correct the substantial irregularities of the lower courts in the administration of the justice system.

Conflict #2

There is an event not previously presented in this case. On **May 7, 2007** the Appellate Court of Illinois Second Judicial District entered its Rule 23 Order in Case No. 2-06-0853 between the Village of Lindenhurst v. Atanacio G. Sambrano (see A-32 Petition for A Writ). The Rule 23 Order of May 7, 2007 is in conflict with its previous Rule 23 Order of July 14, 2006 in Case No. 2-05-1102 between the Petitioners and the Respondent (see A-1 Petition for A Writ).

In its Rule 23 Order of July 14, 2006, the Appellate Court **upheld** the Respondent's pool fencing regulations which are clearly in conflict with the fencing requirements of the Village of Lindenhurst. In its Rule 23 Order of May 7, 2007, the Appellate Court likewise **upheld** the fencing requirements of the Village of Lindenhurst which are in conflict with the pool fencing regulations of the Respondent. These self-contradicting Rule 23 Orders of the Illinois Appellate Court put the Petitioners in a bind and in a box. They are harmful irregularities that undermined the justice system this Court has a constitutional authority and duty to rectify.

With these conflicting Rule 23 Orders from the same Appellate Court in effect, the pro se Petitioners

will forever be held in violation by either the Respondent or the Village of Lindenhurst no matter which pool fencing requirements they must follow for their in-ground swimming pool. Without a grant of a Writ, there are no existing independent and adequate state grounds of relief the Petitioners can avail of to free themselves of violation for either of the two Rule 23 Orders of the Appellate can be used against them. A grant of the Writ of Certiorari would thwart the far-reaching implications of double-standard, selective justice and judicial lottery in Conflict #1. The grant of the Writ would correct the irreparable injustice conflicting orders have caused to the Petitioners in Conflict #2.

The Petitioners pray that a Writ of Certiorari be granted in light of Conflict #1 and Conflict #2.

Respectfully submitted:

Atanacio G. Sambrano, PE
Petitioner (Pro se)

Cathleen R. Sambrano, RN
Petitioner (Pro se)